

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15606 of the Boarder Baby Project, Ltd., pursuant to 11 DCMR 3108.1, for special exceptions under Sections 303.2, 303.3 and 303.7 to establish a youth residential care home for six infants and two staff within a square which contains an existing community residential facility for five or more residents (597 Columbia Road, N.W.) and within 500 feet of an existing community residential facility for five or more residents (608 Irving Street, N.W.), in an R-4 District at premises 524 Irving Street, N.W., (Square 3051, Lot 824).

HEARING DATE: December 11, 1991 and February 12, 1992

DECISION DATE: February 12, 1992 (Bench Decision)

DISPOSITION: The Board GRANTED the application with conditions by a vote of 5-0 (Paula L. Jewell, Sheri M. Pruitt, Angel F. Clarens, Tersh Boasberg and Carrie L. Thornhill to grant)

FINAL DATE OF ORDER: March 2, 1992

RECONSIDERATION ORDER

The Board granted the application by its order dated March 2, 1992 subject to seven conditions. At its public meeting of March 4, 1992, the Board voted to reconsider the conditions imposed by its March 2, 1992 order. The Board's action was taken pursuant to 11 DCMR 3332.7 which allows the Board to reconsider an application within ten days of the final date of its order. Specifically, the Board proposed a modification of Condition No. 1 of its order. The proposed modification would change the last sentence of Condition No. 1 to read as follows:

"No baby shall remain at the facility more than eighteen months."

The last sentence of Condition No. 1 originally limited the maximum stay to nine months.

By letter dated March 12, 1992, the Board advised all parties to the application of its intent to modify the order. The Board afforded the parties a period of ten days within which to respond to the proposed modification. The Board scheduled the matter for its public meeting of April 8, 1992 for final disposition.

By letter dated April 6, 1992, counsel for the applicant requested the Board to postpone its final action on the proposed modification because neither the applicant nor counsel had received a copy of the Board's order or its proposed modification. Counsel for the applicant further requested the Board to reconsider the condition. Counsel argued that although the applicant agreed to several conditions during the course of the public hearing, no discussion of a condition limiting the time a baby could remain at the facility occurred. Counsel acknowledged that the goal of the project was to place a baby with an appropriate adoptive or foster family within eighteen months, however, because quick placement is contingent on numerous factors, a rigid time limit would be inappropriate. At its public meeting of April 8, 1992, the Board deferred consideration of the matter until its public meeting of May 6, 1992. No additional response to the proposed modification of the order was received.

Upon consideration of the proposed modification, the response thereto, and the record in the application, the Board concludes that the record does not contain substantial probative evidence to justify the imposition of a time limitation upon the children's length of stay at the facility. The Board further concludes that the deletion of the condition limiting the time period that an infant or child may remain at the facility would have a negligible impact on the Board's approval of the project in that the ages of the residents are limited to those from birth to two years.

In addition, the Board notes that Condition Nos. 5 and 6 of its order are repetitive. A review of the record indicates that this duplication was the result of a typographical error and that Condition No. 5 should read as follows:

"The applicant shall have a maximum of thirteen staff members who work staggered shifts."

Accordingly it is hereby ORDERED that the conditions imposed in the Board's order dated March 2, 1992 are MODIFIED as follows:

A. Amend Condition No. 1 to read as follows:

1. Approval shall be only for the purpose of providing transitional housing and care to babies born of and abandoned by drug-addicted and poverty-stricken mothers.

B. Amend Condition No. 5 to read as follows:

5. The applicant shall have a maximum of thirteen staff members who work staggered shifts.

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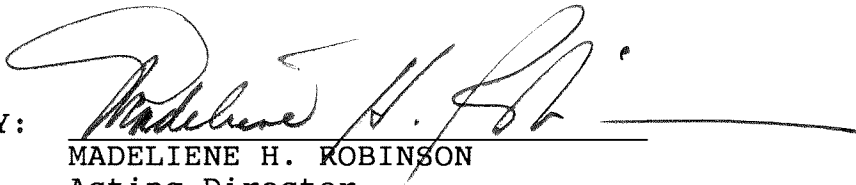
In all other respects, the order of the Board dated March 2, 1992 shall remain in full force and effect.

DECISION DATE: May 6, 1992

VOTE: 4-0 (Paula L. Jewell, Carrie L. Thornhill and Angel F. Clarens to approve; Sheri M. Pruitt to approve by proxy; Tersh Boasberg not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

MAY 22 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 15606

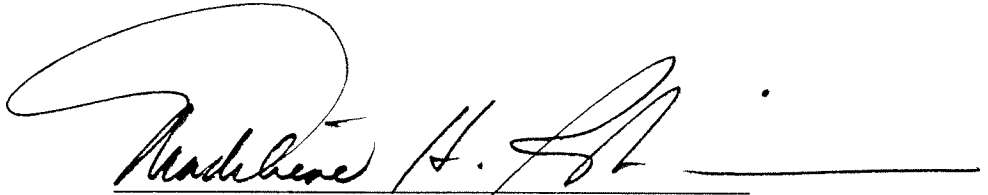
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 22 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Acting Director

DATE: _____

MAY 22 1992